

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CXA-16 CORPORATION,

Plaintiff,

v.

CIVIL ACTION NO. 2:12cv168

LAKE WRIGHT LLC,

Defendant.

MEMORANDUM ORDER

Before the Court is the Receiver Hospitality Management Advisors, Inc. ("HMA")'s Motions for Instruction and/or Authorization to File Suit, ECF No. 25, and Request for Hearing, ECF No. 26. The Court held a telephone conference with counsel for the Receiver and the Defendant on January 2, 2014, at which counsel for the Receiver indicated that a separate state court action was necessary in order to file a notice of lis pendens. The Court will defer action on these Motions. Instead, the Receiver and the Defendant are **DIRECTED** to file, within 5 days of the date of this Order, memoranda addressing the necessity of filing a separate state court action when Va. Code Ann. § 8.01-268 provides:


Clerks of circuit courts are authorized and directed to admit to record memoranda of lis pendens or attachment for actions pending in any court of this Commonwealth, or in any other state, *federal*, or territorial court.

(Emphasis added.)

The Clerk is **DIRECTED** to send a copy of this Order to all parties and the United States Marshals.

IT IS SO ORDERED.

Norfolk, Virginia
January 2, 2014



Raymond A. Jackson
United States District Judge